

## HANFORD NATURAL RESOURCE TRUSTEE COUNCIL

## RESOLUTION NO. 97-02

WHEREAS, hazardous substances are emerging from the Hanford Site 100 Area into the Columbia River in concentrations which may injure aquatic resources; and

WHEREAS, better information on the hazardous substances and their effect on aquatic resources in the Columbia River is needed to understand whether and how the resources are being injured; and

WHEREAS, such information will aid the trustees, regulators, and the USDOE in developing, evaluating; and selecting response actions which remedy or reduce any injury; and

WHEREAS, such information may also aid the trustees in determining the need for restoration of injured resources; and

WHEREAS, USDOE has agreed to fund, on behalf of the NRTC, planning and limited studies of the effects of 100 Area hazardous substances on Columbia River aquatic resources;  
NOW, THEREFORE BE IT

RESOLVED that, the NRTC and USDOE shall conduct studies on the effects of 100 Area hazardous substances on Columbia River aquatic resources. The goal of the studies will be to determine whether aquatic resources are being injured as a result of hazardous substances released from the Hanford Site. USF&WS shall prepare, via inter-agency agreement with USDOE, an injury assessment plan and subsequent study plans for the NRTC. These plans shall be prepared following substantially the procedures for assessment planning and injury determination in 43 CFR 11. The assessment plan shall serve as a guiding document from which the NRTC shall select appropriate pathway and injury studies. The 100 Area Assessment Workgroup will oversee the development of the assessment plan and study plans and shall make recommendations to the NRTC at key decision points (approval of the Assessment Plan and selection of studies). USDOE will provide subsequent contracting for the selected studies on behalf of the NRTC within the limits of the pre-established budget. The NRTC shall strive to integrate the assessment plan and studies with other studies and environmental restoration activities at Hanford. Each phase of the study shall be executed expeditiously and at reasonable cost, and every effort will be made to resolve disputes quickly.

## CERTIFICATION

Resolution 97-02 was adopted by consensus of the Hanford Natural Resource Trustee Council on \_\_\_\_\_, 1998, with \_\_\_ abstentions and \_\_\_ separate opinions (attached).

**RECEIVED**  
DEC 19 2007  
**EDMC**

HANFORD NATURAL RESOURCE TRUSTEE COUNCIL

RESOLUTION NO. 97-02

WHEREAS, there is evidence of injuries to salmon and other natural resources resulting from contaminant releases from the Hanford Site 100 Area; and

WHEREAS, remedial actions to date are not likely to prevent continued injury; and

WHEREAS, a timely reduction of any continuing injury will be of benefit to the salmon and other impacted natural resources, the natural resource trustees, and their constituents, and reduce the U.S. Department of Energy's (USDOE) potential liability under the Natural Resource Damage Assessment provisions of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA); and

WHEREAS, a rigorous assessment of whether injury has occurred, and if so, the nature and extent of the injury, will aid in a timely reduction of the injury and may allow that reduction to be integrated in to future remedial actions; and

WHEREAS, 43 CFR Part 11.61 to 11.64 provides standardized, cost effective, and defensible procedures for conducting injury determination; and

WHEREAS, USDOE, as a trustee, has agreed to fund on behalf of the Natural Resource Trustee Council (NRTC), an assessment of impacts to salmon from contaminants released in the 100 Area, under NRTC direction, following a scope of work written by the NRTC;  
NOW, THEREFORE BE IT

RESOLVED that, in the interest of the early reduction of injury, the NRTC shall conduct an assessment of impacts to salmon from contaminant releases in the 100 Area. The assessment shall follow substantially the procedures set forth in 43 CFR Part 11.61-11.64. The work plan for the assessment shall be prepared by U.S. Fish and Wildlife Service, which has extensive experience in injury determination, in accordance with the attached interagency agreement and scope of work. Subsequent portions of the assessment shall be approved by resolution and contracted as appropriate. The NRTC shall strive to integrate the assessment with other studies and remedial activities. Each phase of the assessment shall be executed expeditiously and at reasonable cost, and every effort shall be made to quickly resolve disputes. This assessment shall not constitute a Natural Resource Damage Assessment, nor shall it limit the right on the part of any trustee to pursue a damage assessment.

CERTIFICATION

Resolution 97-02 was adopted by consensus at the \_\_\_\_\_, 1997 meeting of the Hanford Natural Resource Trustee Council with \_\_\_\_ abstentions and \_\_\_\_ separate opinions (attached).



## FAX

DATE: August 27, 1997

FROM: Geoff Tallent  
Ph. (360) 407-7112 51

*Geoff*  
*Please change*  
*Kay* 11

TO:

Bill Beckley	(509) 865-5522
Chris Burford	(541) 278-5380
John Carlton	(360) 902-2938
Dan Landeen	(208) 843-7378
Larry Gadbois	(509) 376-2396
Susan Coburn Hughes	(503) 373-7806
Jake Jakabosky	(509) 536-1275
<u>Kay Kimmel</u>	<u>(509) 375-4644</u>
Jay McConnaughey	(509) 736-3030
Rick Roy	(509) 765-9043
Preston Sleeper	(503) 231-2361
Darci Teel	(509) 372-9447
Paul Ward	(509) 452-2503
Jamie Zeisloft	(509) 376-7818

372-9447

SUBJECT: 100 Area NRDA (Salmon study)

NUMBER OF PAGES (INCLUDING COVER SHEET): 4

### COMMENTS:

Attached is Resolution 97-02 with the modifications we agreed to at the last meeting. Please note that there is an accompanying signature page. Please provide Kay with your signature page by Friday, September 12<sup>th</sup>.

97-02 is the resolution that approves the USF&WS contract and gets the NRDA process going. I've included a flow chart of our proposed strategy, including points at which each trustee's "authorized official" must be involved. The work plan that Jamie provided should also be considered part of this package.

I've not included 97-03 which clarifies that we will not appoint a "lead authorized official." I still need to work out a few things with Jamie.

Call me if you have any questions or comments.

-Geoff

# **HANFORD NATURAL RESOURCE TRUSTEE COUNCIL**

## **RESOLUTION NO. 97-02**

- WHEREAS,** there is evidence of potential injuries to natural resources resulting from the releases of hazardous substances from the Hanford Site 100 Area; and
- WHEREAS,** current and planned response actions may not fully prevent continued injury; and
- WHEREAS,** a timely reduction of any continuing injury will be of benefit to the affected natural resources, the natural resource trustees, and their constituents, and reduce USDOE's potential liability under the natural resources damage assessment provisions of CERCLA; and
- WHEREAS,** an assessment of whether injury has occurred, and if so, the nature and extent of the injury will aid in a timely reduction of the injury and may allow that reduction to be integrated into future remedial actions; and
- WHEREAS,** 43 CFR Part 11 provides standardized, cost effective, and defensible procedures for assessing natural resource injuries, including pre-assessment screening, pathway and injury determination, and restoration planning; and
- WHEREAS,** the procedures in 43 CFR 11 provide a framework and are sufficiently flexible to allow the scheduling and phasing of the damage assessment to align with the multi-year remediation of the 100 Area and to incorporate and adjust to new information as it emerges; NOW,  
**THEREFORE BE IT**

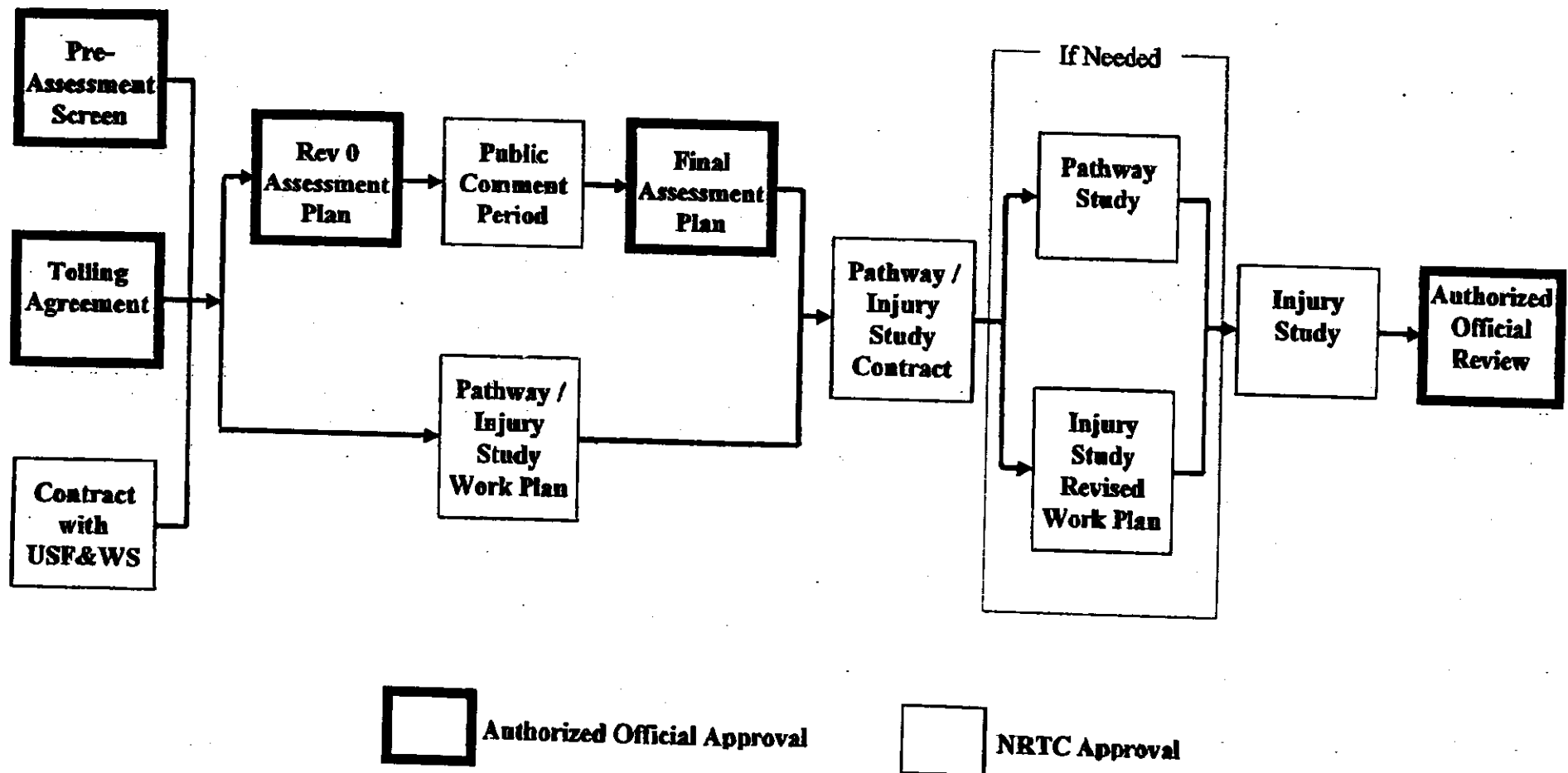
**RESOLVED** that, the NRTC shall initiate, on behalf of the participating trustee's authorized officials, the Natural Resource Damage Assessment process to address injuries from 100 Area releases. The goal of the process is the early reduction of injury and restoration of injured resources. The NRTC shall follow substantially the procedures set forth in 43 CFR Part 11. The damage assessment process shall first require a pre-assessment screen. If appropriate after the PAS, the damage assessment shall be phased, with the first phase directed at Columbia River aquatic resources. The damage assessment shall be performed following the attached statement of work and damage assessment strategy flow chart. Key decisions identified in the strategy such as approval of the Pre Assessment Screen and Assessment Plan shall be forwarded to the authorized officials for approval. The NRTC shall strive to integrate the damage assessment with other studies and remedial activities.

### **CERTIFICATION**

NRTC by-laws require that resolutions be adopted by consensus of the voting representatives of member Trustees. Member representatives indicated their response to Resolution 97-02 on the attached signature pages.

**DEADLINE FOR RESPONSE: SEPTEMBER 12**

## 100 Area NRDA Strategy Overview



**HANFORD NATURAL RESOURCE TRUSTEE**

**SIGNATURE PAGE**

Signature indicates concurrence with the following:

**RESOLUTION 97-02 initiating a study of injuries to aquatic resources from 100 Area contaminants as the first phase of the damage assessment process.**

\_\_\_\_\_  
signature of voting representative

\_\_\_\_\_  
name of member organization

\_\_\_\_\_  
date

**RETURN TO KAY KIMMEL, ADMINISTRATIVE SECRETARY, BY 5 P.M.  
FRIDAY, SEPTEMBER 12, 1997**



# FAX

**Date** 9/11/97

**Number of pages including cover sheet** 4

*Melanie Preusser*

**Phone**

**Fax Phone** 509-372-9447

**FROM:** Dan Landeen  
Nez Perce Tribe  
Environmental Restoration  
and Waste Management  
P. O. Box 365  
Lapwai, ID 83540

**Phone** 208-843-7375

**Fax Phone** 208-843-7378

**CC:**

**REMARKS:** ☐ Urgent ☒ For your review ☐ Reply ASAP ☐ Please Comment

Attached is the signature page for resolution 97-02

09/11/97 10:05

1 208 843 7378  
08/28/97 08:52

Nez Perce ERWM  
HANFORD PROJECT DEPT ECOLOGY

002

002

# HANFORD NATURAL RESOURCE TRUSTEE

## SIGNATURE PAGE

Signature indicates concurrence with the following:

RESOLUTION 97-02 Initiating a study of injuries to aquatic resources from 100 Area contaminants as the first phase of the damage assessment process.

Dan Lenneman  
signature of voting representative

Nez Perce ERWM Dept  
name of member organization

9-11-97  
date

RETURN TO KAY KIMMEL, ADMINISTRATIVE SECRETARY, BY 5 P.M.  
FRIDAY, SEPTEMBER 12, 1997



HANFORD NATURAL RESOURCE TRUSTEE COUNCIL

SIGNATURE PAGE

Resolution 97-02 initiating the 100 Area assessment plan and studies.

☒ Support

☐ Object

☐ Abstain

☐ Support with separate opinion (below)

Signature: Susan C. Hughes

Name: Susan C. Hughes

Trustee Organization: STATE OF OREGON

Date: 7-1-98

HANFORD NATURAL RESOURCE TRUSTEE COUNCIL

SIGNATURE PAGE

Resolution 97-02 initiating the 100 Area assessment plan and studies.

☒ Support

☐ Object

☐ Abstain

☐ Support with separate opinion (below)

Signature: Dan Landeen

Name: Dan Landeen

Trustee Organization: Nez Perce Tribe

Date: 6/15/98

**HANFORD NATURAL RESOURCE TRUSTEE COUNCIL**

**SIGNATURE PAGE**

**Resolution 97-02: Minimizing the 100 Area assessment plan and studies.**

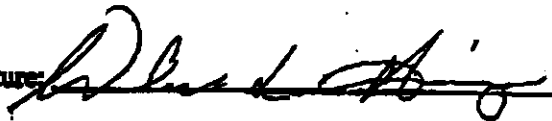
☒ **Support**

☐ **Object**

☐ **Abstain**

☐ **Support with separate opinion (below)**

**Signature:**



**Name:** *Wendell L. Hannigan*

**Trustee Organization:** *Yakama Nation*

**Date:** *July 10, 1998*

HANFORD NATURAL RESOURCE TRUSTEE COUNCIL

SIGNATURE PAGE

Resolution 97-02 initiating the 100 Area assessment plan and studies.

☒ Support

☐ Object

☐ Abstain

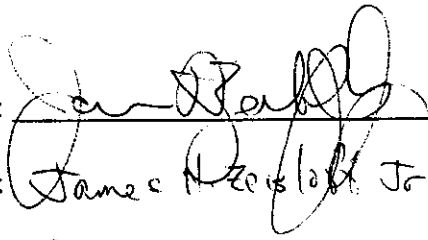
☐ Support with separate opinion (below)

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Trustee Organization: \_\_\_\_\_

Date: \_\_\_\_\_

  
James H. Rees, Jr.  
OOE  
7/21/90

HANFORD NATURAL RESOURCE TRUSTEE COUNCIL

SIGNATURE PAGE

Resolution 97-02 initiating the 100 Area assessment plan and studies.

☒ Support

☐ Object

☐ Abstain

☐ Support with separate opinion (below)

Signature: \_\_\_\_\_



Name: Geoff Tallent

Trustee Organization: State of Washington

Date: July 27, 1998